

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

RHENETTA BELCHER,

Plaintiff(s),

v.

AMBER BALTZLEY, et al.,

Defendant(s).

Case No. 2:17-cv-01675-JCM-NJK

REPORT & RECOMMENDATION

If a court finds that the allegation of poverty in an *in forma pauperis* application is untrue, it “shall dismiss the case.” 28 U.S.C. § 1915(e)(2); *see also Thomas v. LVMPD*, 2017 U.S. Dist. LEXIS 33197, at \*2 (D. Nev. Feb. 13, 2017). On January 12, 2018, the Court ordered Plaintiff to show cause, by February 12, 2018, why this case should not be dismissed on that basis. Docket No. 8.<sup>1</sup> The Court warned that “[f]ailure to comply with this order will result in a recommendation of dismissal to the assigned District Judge.” *Id.* at 3-4. Notwithstanding that warning, Plaintiff did not respond to the order to show cause. Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(2).

Dated: February 20, 2018

  
NANCY J. KOPPE  
United States Magistrate Judge

<sup>1</sup> This case was originally initiated by four plaintiffs, but only Plaintiff Belcher remains as a plaintiff in the case. *See* Docket No. 9 (adopting report and recommendation).

**NOTICE**

Pursuant to Local Rule IB 3-2, any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).